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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,239	11/10/1999	MASAAKI HYODO	1883-32	7692
23117	7590	07/27/2005	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			NGUYEN, HUY THANH	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/437,239

Applicant(s)

HYODO ET AL.

Examiner

HUY T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9,10,12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-10 and 12-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 9-10 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujinami et al (5,504,585) in view of Roth (5,546,365).

Regarding claims 9 and 12, Fujinami discloses a recording /reproducing apparatus (Figs. 16 and 17, columns 17-18) for recording and reproducing multiplexed coded data and control data from a recording medium, the multiplexed coded data comprising coded audio-data and coded video-data and being recorded as a plurality of separate data-packs (column 11), the control data (entry points and TOC

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control data) being recorded separately from the multiplexed coded data (column 15, line 55 to column 16, line 15, column 17, lines 25-32), said reproducing apparatus comprising:

a recording medium controller (67,61) for reading the multiplexed coded data and control data ; and a coded data control section (67) for controlling the reproducing of the multiplexed coded data by controlling the recording medium controller based on the control data (column 18, lines 8-45) : wherein the control data includes the key-frame location information (location of I pictures) , the key-frame being at least one of an I-frame and P-frame, the key-frame location information including information on a head position of a data-pack including a head of the coded video-data of the key-frame (column 19, lines 55-65).

Fujinami further teach a memory (93) for storing the location of the key frame (entry point location (column 18, lines 1-17) and a table memory (68) for storing table of content data (TOC) used for selecting items to be reproduced (column 6, lines 22-35, column 17, lines 25-37). Fujinami fails to specifically teach that the table memory storing order of reproduction sequences .

Roth teaches a recording/ reproducing apparatus using a memory for storing orders of reproduction sequences of items (column 3, lines 59-66, column 7, lines 5-23, column 14, lines 41-52). It would have been obvious to one of ordinary skill in the art to modify Fujinami with Roth by using a table memory as taught by Roth for storing the reproduction sequence orders thereby enhancing the capability of the apparatus of Fujinami in selecting a desired sequence of recorded items to be reproduced.

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Regarding claims 10 and 13, Fujinami further teaches that the key-frame location information also includes information on a head or a tail of coded video-data of the key-frame (column 15, lines 55-65, column 19, lines 55-65).

3. Claims 9-10 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honjo (6,006,007) in view of Fujinami et al (5,455,684) and Roth (5,546,365).

Regarding claims 9 and 12, Honjo discloses a reproducing apparatus (Figs. 3 and 4 column 2, lines 38-65) for reproducing multiplexed coded data and control data from a recording medium, the multiplexed coded data comprising coded video-data and being recorded as a plurality of separate data-packs, the control data being recorded separately from the multiplexed coded data, said reproducing apparatus comprising:

a recording medium controller (4) for reading the multiplexed coded data and control data ; and a coded data control section (6) for controlling the reproducing of the multiplexed coded data by controlling the recording medium controller based on the control data: wherein the control data includes the key-frame location information (addresses of I frames) , the key-frame being at least one of an I-frame and P-frame, the key-frame location information including information on a head position of a data-pack including a head of the coded video-data of the key-frame (Figs 1,2,4 and 5, columns 3 and 4)) or of the coded audio-data corresponding to the key-frame.

Honjo fails to specifically teach the medium further comprises audio coded data multiplexed with the video coded data .

Fujinami teaches a recording/ reproducing apparatus having a processing means for processing video coded data and audio coded data as packs and multiplexing audio coded and video coded data packs (column 12, Fig. 3).

It would have been obvious to one of ordinary skill in the art to modify Honjo with Fujinami by using a processing means as taught by Fujinami for additionally processing the audio coded data and multiplexing the audio coded data with the coded video data thereby enhancing the capability and functionality of the Honjo apparatus for additionally processing audio when needed .

Honjo as modified with Fujinami further teaches a memory (12) for storing the location of key frames (See Honjo , column 2, lines 21-32) and a table memory for storing the recoded items (See Fujinami Fig. 9, column 18, lines 20-25), but fails to teaches the table memory storing orders of reproduction sequences as being recited in claims 9 and 12..

Roth teaches a recording/ reproducing apparatus using a memory for storing reproduction sequence orders (column 3, lines 59-66, column 7, lines 5-23, column 14, lines 41-52). It would have been obvious to one of ordinary skill in the art to modify Honjo as modified with Fujinami by using a memory for storing the reproduction sequence orders thereby enhancing the capability of the apparatus of Honjo in selecting a desired sequence of recorded items to be reproduced.

Regarding claims 10 and 13, Honjo further teaches that the key-frame location information also includes information on a head or a tail of coded video-data of the key-frame (Fig. 2).

Response to Arguments

4. Applicant's arguments filed 28 April 2005 have been fully considered but they are not persuasive.

In Remarks, applicant argues that Fujinami does not teach the location is information indicating a head position of data pack .

In response, the examiner disagrees . It is not that teach the entry point information indicating a location of the I pack since during a high speed the entry point of the I picture data pack is searched for reading the I picture data from the disc. Further it is noted the entry point also recorded in the header of I pack (column 12, lines 20-27). It is clear that the entry point of Fujinami indicates a head position of an I picture data pack and is used for reproducing the video data in a high speed-reproducing mode .

In Remarks applicant argues Honjo does not teach information indicating a head position . In response, the examiner disagrees. Honjo teaches that at a specifically reproduction mode the location information (address information) for each I picture data pack or sector stored in the memory is used for searched for a corresponding address information at a head position of I picture data pack recorded on the disc for reading the I- picture of searched pack (see column 2, lines

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20-65) . It is clear that Honjo teaches the location information indicating a head position of I picture pack .

Applicant further argues that the location information indicating head position is used for synchronizing audio data and video data. In response, it is noted that applicant's argument is not recited in the claims .

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUY NGUYEN
PRIMARY EXAMINER